

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
PACIFIC FRUIT INC.,

Plaintiff,

-against-

LONG ISLAND BANANA CORP., THOMAS J.  
HOEY, individually and in his corporate capacity,  
THOMAS J. HOEY, JR., individually and in his  
corporate capacity, and DOES 1-10, individually  
and in their corporate capacity,

Defendants.

-----X  
FRUIT IMPORTERS AMERICAS, INC.,

Plaintiff,

-against-

LONG ISLAND BANANA CORP., THOMAS J.  
HOEY, individually and in his corporate capacity,  
THOMAS J. HOEY, JR., individually and in his  
corporate capacity, and DOES 1-10, individually  
and in their corporate capacity,

Defendants.

-----X

S I R S:

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the Plaintiffs, PACIFIC FRUIT INC. and FRUIT IMPORTERS AMERICAS, INC., and the Defendants, LONG ISLAND BANANA CORP., THOMAS J. HOEY, individually and in his corporate capacity, THOMAS J. HOEY, JR., individually and in his corporate capacity, an, in the above-entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been

Case No. 11-cv-5650(JS)(ETB)

ECF Case

Consolidated with:

Case No. 11-cv-5651

**STIPULATION OF  
DISCONTINUANCE  
WITH PREJUDICE**

appointed and no person not a party has an interest in the subject matter of the action, the above-entitled action be and the same hereby is discontinued with prejudice without costs to either party as against the other.

This stipulation may be filed without further notice with the Clerk of the Court.

Dated: May 7, 2013  
White Plains, New York

JOHN GRIMMER & ASSOCIATES



---

BY: DANIEL F. PAIGE, ESQ.  
*Attorneys for the Plaintiffs*  
One Battery Park Plaza, 18<sup>th</sup> Fl  
New York, NY 10004  
(212) 837-6663

TRIVELLA & FORTE, LLP



---

BY: CHRISTOPHER A. SMITH, of Counsel  
*Attorneys for the Defendants*  
1311 Mamaroneck Avenue, Suite 170  
White Plains, New York 10605  
Tel. No.: (914) 949-9075